

**EIGHTY-SEVENTH GENERAL ASSEMBLY
2018 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

February 26, 2018

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

Bill	Amendment	Action	Sponsor
HF 2364	H-8097	Filed	M. SMITH of Marshall
HF 2377	H-8093	Filed	ISENHART of Dubuque
HF 2377	H-8098		M. SMITH of Marshall
HF 2377	H-8099	Filed	HEATON of Henry
HF 2422	H-8094	Filed	ISENHART of Dubuque
HF 2422	H-8095	Filed	ISENHART of Dubuque
HF 2440	H-8092	Filed	ISENHART of Dubuque
SF 2131	H-8096	Filed	WINCKLER of Scott

Fiscal Notes

[HF 2442](#) — [Concussion Injuries, School Policies](#) (LSB5331HV)

H-8097

1 Amend House File 2364 as follows:

2 1. Page 2, after line 3 by inserting:

3 <4. A health benefit plan sponsored by a nonprofit
4 agricultural organization for the nonprofit agricultural
5 organization's members shall not deny, exclude, or limit
6 benefits for a member based on a member's preexisting
7 condition.>

By M. SMITH of Marshall

H-8097 FILED FEBRUARY 23, 2018

H-8093

1 Amend House File 2377 as follows:

2 1. Page 15, before line 18 by inserting:

3 <Sec. _____. NEW SECTION. 135.192 Substance abuse treatment
4 programs.

5 1. The general assembly declares that it is the public
6 policy of the state to increase the percentage of people
7 receiving treatment for substance use disorders from ten
8 percent to eighty percent and to ensure that all effective
9 evidence-based substance use disorder treatments are covered
10 by the authorization and payment policies of all public and
11 private payers.

12 2. The department, in consultation with the Iowa poison
13 control center and the Iowa health care collaborative, shall
14 develop addiction, addiction treatment, overdose, and overdose
15 death surveillance metrics, standards, and requirements for
16 data collected through county boards of health.

17 Sec. _____. NEW SECTION. 137.105A County boards of health —
18 opioid epidemic response.

19 Each county board, in cooperation with a mental health
20 and disability services region created in section 331.389
21 and substance abuse programs licensed pursuant to chapter
22 125, shall include opioid abuse and substance use disorder
23 treatment in each community health needs assessment and each
24 county health improvement plan shall include provisions related
25 to prevention, harm reduction, and treatment associated with
26 substance use disorders.>

27 2. Page 15, before line 30 by inserting:

28 <Sec. _____. NEW SECTION. 272C.2C Continuing education
29 minimum requirements — emergency physicians.

30 The board of medicine shall adopt rules requiring emergency
31 physicians to receive training on mental illness and substance
32 use disorders as a condition of license renewal.

33 Sec. _____. Section 356.5, Code 2018, is amended by adding the
34 following new subsection:

35 NEW SUBSECTION. 7. Ensure that each prisoner currently

1 receiving medication-assisted treatment for a substance use
2 disorder under the direction of a licensed health care provider
3 shall continue to receive such treatment while the prisoner is
4 confined in jail.

5 Sec. _____. SUBSTANCE USE DISORDER TREATMENT — INSURANCE
6 COVERAGE. The insurance division of the department of commerce
7 shall prepare a comprehensive report on insurance coverage
8 and payment policies for services related to the treatment of
9 substance use disorders by commercial insurance companies and
10 self-funded plans, as well as data on current utilization and
11 expenditures associated with such benefit plans. The report
12 shall be submitted to the general assembly by January 1, 2019.

13 Sec. _____. OPIOIDS — USAGE — SUBSTANCE USE TREATMENT.

14 1. The department of administrative services shall, in
15 cooperation with any health insurance plans or health plan
16 administrators of benefits extended to state employees, create
17 a model benefit plan designed to incentivize or otherwise
18 promote the effective, evidence-based prescription and
19 use of opioids to members receiving benefits through state
20 plans, document the current use of benefits for substance
21 use disorders, identify gaps or unnecessary restrictions in
22 coverage, and expand access to evidence-based treatments and
23 therapies, including nonpharmacological treatments.

24 2. The department of human services and the Iowa
25 Medicaid enterprise shall, in cooperation with managed care
26 organizations, design benefit plans to incentivize or otherwise
27 promote the effective, evidence-based prescription and use
28 of opioids to members receiving benefits through managed
29 care organizations, document the current use of benefits
30 for substance use disorders, identify gaps or unnecessary
31 restrictions in coverage, and expand access to evidence-based
32 treatment and therapies, including nonpharmacological
33 treatments, by application for a Medicaid waiver if necessary.

34 Sec. _____. PROFESSIONAL LICENSING BOARDS — SUBSTANCE
35 USE TREATMENT PROGRAMS. Each professional licensing board

H-8093 (Continued)

1 designated in section 147.13 shall consider the adoption of
2 a program modeled after the Iowa nurse assistance program
3 and the Iowa physician health program for the identification
4 and treatment of licensees who may be at risk for license
5 discipline due to a substance use disorder.>

6 3. Title page, line 1, after <to> by inserting <protocols,
7 practices, treatment, and training relating to prescription
8 drugs, including>

9 4. By renumbering as necessary.

By ISENHART of Dubuque

[H-8093](#) FILED FEBRUARY 23, 2018

H-8098

1 Amend House File 2377 as follows:

2 1. Page 22, before line 13 by inserting:

3 <DIVISION ____

4 MISCELLANEOUS PROVISIONS

5 Sec. _____. Section 124.414, subsection 1, paragraph b, Code
6 2018, is amended to read as follows:

7 b. "*Drug paraphernalia*" does not include hypodermic needles
8 or syringes if manufactured, delivered, sold, or possessed for
9 a lawful purpose. "Lawful purpose" includes hypodermic needles
10 or syringes delivered, sold, or possessed through an approved
11 syringe services program established pursuant to rules adopted
12 by the department of public health.

13 Sec. _____. Section 135.19, Code 2018, is amended by adding
14 the following new subsection:

15 NEW SUBSECTION. 3. The department shall establish and
16 implement a syringe services program for persons who unlawfully
17 inject controlled substances and who are at an increased risk
18 for exposure to hepatitis B or hepatitis C. The program
19 shall include hepatitis C testing, referrals for treatment
20 of substance use disorders, and training for opioid overdose
21 prevention and reversal.

22 Sec. _____. Section 141A.3, subsection 2, Code 2018, is
23 amended by adding the following new paragraph:

24 NEW PARAGRAPH. g. Establish and implement a syringe
25 services program for persons who unlawfully inject controlled
26 substances and who are at risk of HIV infection. The program
27 shall include testing for HIV infection, referrals for
28 treatment of substance use disorders, and training in opioid
29 overdose prevention and reversal.>

30 2. Title page, line 1, after <to> by inserting <the
31 regulation of substance use, including>

32 3. By renumbering as necessary.

By M. SMITH of Marshall

H-8098 (Continued)

H-8098 FILED FEBRUARY 23, 2018

H-8099

1 Amend House File 2377 as follows:

2 1. Page 15, after line 29 by inserting:

3 <Sec. _____. NEW SECTION. 272C.2C Continuing education
4 minimum requirements — medicine and surgery and osteopathic
5 medicine and surgery, nursing, and dentistry.

6 The board of medicine shall establish rules requiring a
7 person licensed pursuant to section 148.3 or 152.6, or chapter
8 153, to receive continuing education credits regarding the
9 United States centers for disease control and prevention
10 guideline for prescribing opioids for chronic pain, including
11 recommendations on limitations on dosages and the length
12 of prescriptions, risk factors for abuse, and nonopioid and
13 nonpharmacologic therapy options, as a condition of license
14 renewal.>

15 2. Title page, line 1, after <to> by inserting <the
16 regulation of certain substances, including>

17 3. By renumbering as necessary.

By HEATON of Henry

H-8099 FILED FEBRUARY 23, 2018

H-8094

1 Amend House File 2422 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. NEW SECTION. 206.31A Pesticide use for weed
4 control or eradication — restrictions.

5 1. A pesticide used for weed control or eradication shall be
6 applied in a manner that does not cause unreasonable adverse
7 environmental effects as provided in 7 U.S.C. §136 et seq.

8 2. A person shall not use, store, handle, distribute,
9 or dispose of a pesticide described in subsection 1, or an
10 associated rinsate, pesticide container, pesticide treated seed
11 or pesticide application equipment, unless the person does all
12 of the following:

13 a. Complies with applicable labeling instructions required
14 by the United States environmental protection agency in
15 accordance with 7 U.S.C. §136 et seq.

16 b. Acts in a manner that does not endanger human health,
17 damage agricultural commodities, agricultural food, livestock,
18 fish or wildlife, bee colonies, or other pollinators.

19 c. Acts in a manner that does not cause an unreasonable
20 adverse effect to the environment.

21 3. In applying a pesticide described in subsection 1, a
22 person must designate the boundaries of a specific area where
23 the pesticide is to be applied. The person shall not apply the
24 pesticide outside those boundaries.>

By ISENHART of Dubuque

H-8094 FILED FEBRUARY 23, 2018

H-8095

1 Amend House File 2422 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. <NEW SECTION. 206.14A Liability for apiary
4 **damage.**

5 A person applying a pesticide used for weed control or
6 eradication on real property that the person owns or leases
7 shall be liable for damages causing the loss of bees, including
8 the loss of a bee colony, located as part of an apiary as
9 defined in section 160.1A on land owned or leased by another
10 person. The person alleging damages must be currently
11 registered with an entity that registers persons who own or
12 operate apiaries and such entity must be recognized by the
13 department.>

14 2. Title page, line 2, after <weeds,> by inserting
15 <providing for civil liability,>

By ISENHART of Dubuque

H-8095 FILED FEBRUARY 23, 2018

H-8092

1 Amend House File 2440 as follows:

2 1. Page 3, after line 28 by inserting:

3 <Sec. _____. NEW SECTION. 466B.26 Management of assets.

4 In order to carry out its duties as described in section
5 466B.23, a watershed management authority may manage any assets
6 provided to it from any person, including but not limited to
7 any of the following:

8 1. Gifts, bequests, or in-kind contributions.

9 2. Investment securities or negotiable instruments.

10 3. Moneys from public or private sources, including but
11 not limited to moneys appropriated or allocated from a local
12 government or political subdivision, this state, another state,
13 or the United States.>

14 2. Page 6, after line 7 by inserting:

15 <(1) In financing a program using moneys appropriated in
16 this section, the division shall provide a preference to a
17 program administered by or in coordination with a watershed
18 management authority created pursuant to section 466B.22.

19 (2) The division shall prepare a plan for each financed
20 program, that identifies the watershed or geographic region
21 where the program is to be administered, the name of any other
22 person administering the program, the objective of the program,
23 and the measurement of short-term and long-term goals required
24 to achieve that objective. The program's success in achieving
25 the objective of each program shall be measured using the same
26 performance metric that measures the success in achieving the
27 objectives of all programs described in this paragraph "a".
28 Not later than January 10 of each year the division shall
29 deliver to the governor and general assembly a report that
30 describes and evaluates the implementation of each plan. The
31 division shall submit its final report describing the last
32 program financed during the close of the fiscal year beginning
33 July 1, 2019.>

34 3. Page 6, after line 14 by inserting:

35 <Sec. _____. 2015 Iowa Acts, chapter 132, section 18, is

1 amended by adding the following new subsection:

2 NEW SUBSECTION. 3A. a. The division of soil conservation
3 and water quality or Iowa state university of science and
4 technology shall not enter into or extend a contract with a
5 person to administer a program or project described in this
6 section, until all moneys used to finance that program or
7 project that have been expended to date by the person under
8 the contract have been documented. The division or university
9 which is a party to the contract shall prepare a statement
10 verifying that the person has complied with the terms and
11 conditions of the contract.

12 b. Before entering into or extending a contract, the
13 division shall require the contractor to prepare and submit a
14 report describing the projects financed under subsection 3.
15 The report shall state in detail all of the following:

16 (1) The amount expended for each project and the purpose of
17 the expenditure.

18 (2) The expected and actual outcomes achieved by a project.

19 (3) The methods used to track progress in reducing the
20 transport of nutrients to surface water from nonpoint sources
21 within a watershed.

22 (4) An analysis of the impact of in-field and edge-of-field
23 agricultural practices in the aggregate.

24 (5) The measurement of any other impacts associated with
25 agricultural production.

26 (6) The recommended development of any system to be
27 implemented within a broader range of watersheds that measures
28 existing agricultural practices and the impact of different
29 nutrient management decisions.

30 c. The report shall be posted on the department's internet
31 site and delivered to all of the following:

32 (1) The chairpersons and ranking members of the agriculture
33 committees of the senate and house of representatives.

34 (2) The legislative services agency.

35 Sec. _____. 2015 Iowa Acts, chapter 132, section 18,

H-8092 (Continued)

1 subsection 4, is amended by striking the subsection.>

2 4. By renumbering as necessary.

By ISENHART of Dubuque

H-8092 FILED FEBRUARY 23, 2018

H-8096

1 Amend Senate File 2131, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. Page 1, line 1, by striking <5,> and inserting <4, 6,>

4 2. By striking page 1, line 3, through page 2, line 14, and
5 inserting:

6 <1. An Iowa learning online initiative is established
7 ~~within the department~~ under the authority of the area education
8 agencies to partner with school districts and accredited
9 nonpublic schools to provide distance education to high school
10 students statewide. The ~~department~~ area education agencies
11 shall utilize a variety of content repositories, including
12 those maintained by ~~the area education agencies~~ and the public
13 broadcasting division, in administering the initiative.

14 4. Each participating school district and accredited
15 nonpublic school shall submit its online curricula ~~to~~ for
16 review by the department for review area education agency in
17 which it is located. Each participating school district and
18 accredited nonpublic school shall include in its comprehensive
19 school improvement plan submitted pursuant to section 256.7,
20 subsection 21, a list and description of the online coursework
21 offered by the district or school.

22 6. Coursework offered under the initiative shall be
23 rigorous and high quality, and the ~~department~~ area education
24 agencies shall annually evaluate the quality of the courses
25 and ensure that coursework is aligned with the state's core
26 curriculum and core content requirements and standards, as well
27 as national standards of quality for online courses issued by
28 an internationally recognized association for kindergarten
29 through grade twelve online learning.

30 8. The ~~department~~ area education agencies shall establish
31 fees payable by school districts and accredited nonpublic
32 schools participating in the initiative. Fees collected
33 pursuant to this subsection are appropriated to the department
34 which shall allocate the moneys to the area education agencies
35 to be used only for the purpose of administering this section

H-8096 (Continued)

1 and shall be established so as not to exceed the budgeted cost
2 of administering this section ~~to the extent not covered by the~~
3 ~~moneys appropriated in subsection 9.~~ Providing professional
4 development necessary to prepare teachers to participate in the
5 initiative shall be considered a cost of administering this
6 section. Notwithstanding section 8.33, fees collected by the
7 ~~department~~ area education agencies that remain unencumbered or
8 unobligated at the close of the fiscal year shall not revert
9 but shall remain available for expenditure for the purpose of
10 expanding coursework offered under the initiative in subsequent
11 fiscal years.>

12 3. Title page, by striking lines 1 through 3 and inserting
13 <An Act placing the Iowa learning online initiative under
14 the authority of the area education agencies, making an
15 appropriation, and>

By WINCKLER of Scott

H-8096 FILED FEBRUARY 23, 2018



HF 2442 – Concussion Injuries, School Policies (LSB5331HV)
Analyst: Robin Madison (515.281.5270) robin.madison@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 2442](#) sets new requirements for school districts and high school athletic officials in addressing concussion and brain injury in students participating in extracurricular interscholastic activities.

The Bill requires that the Department of Public Health (DPH), the Iowa High School Athletic Association (IHSAA), and the Iowa Girls High School Athletic Union (IGHSAU) work together to develop training materials and courses regarding concussion and brain injury and that each coach or contest official complete such training at least every two years.

The Bill requires that the DPH, the Department of Education (DE), the IHSAA, and the IGHSAU work together to develop protocols, based on peer-reviewed scientific evidence, for a student's return to participation in extracurricular interscholastic activities and to the classroom after showing signs, symptoms, or behaviors consistent with a concussion or brain injury. Officials of public and accredited nonpublic schools that have students who participate in extracurricular interscholastic activities in grades 7 through 12 must adopt the protocols.

The Bill requires public and accredited nonpublic schools that have students who participate in extracurricular interscholastic activities in grades 7 through 12 to provide those students with any protective gear required for any activity by law, by the rules of such contests, or by the IHSAA or IGHSAU guidelines.

The Bill specifies that school districts and accredited nonpublic schools that fully implement the required protocols and provide a licensed health care provider at an extracurricular interscholastic activity will not be liable for any claim for injuries or damages based on the actions of the licensed health care provider as long as the provider acted reasonably and in good faith, in the best interest of the student athlete, and without undue influence of the school district or nonpublic school or the school coaching staff. The Bill further specifies that the licensed health care provider, if providing care without compensation, will not be liable as long as the provider acted reasonably and in good faith, in the best interest of the student athlete, and without undue influence of the school district or nonpublic school or the school coaching staff. The Bill defines "licensed health care provider" to include a physician, physician assistant, chiropractor, advanced registered nurse practitioner, nurse, physical therapist, or licensed athletic trainer.

The Bill requires the Advisory Council on Brain Injuries, established under the DPH, to make recommendations to the Governor on the prevention, diagnosis, and treatment of brain injuries in student athletes.

The Bill may include a State mandate as defined in Iowa Code section [25B.3](#).

Background

School districts are prohibited from charging student fees for any purpose not specifically authorized in statute, and statute does not authorize charging student fees for the protective gear required by the Bill. The DE guidance in this regard identifies such gear as “essential to instruction” and notes that it must be purchased from the student activity fund. Iowa Code section [298A.8](#) allows school districts to transfer General Fund dollars to the student activity fund for the purpose of purchasing protective and safety equipment required for any extracurricular interscholastic athletic contest or competition sponsored or administered by the athletic associations or other organizations qualifying under Iowa Code section [280.13](#).

Assumptions

The DPH has developed protocols, training materials, and courses that are required by the Board of Educational Examiners and are already in use. Expenses associated with collaboration between the DPH, the DE, and the athletic associations would be minimal.

It is likely that school districts are already providing the protective gear required by the Bill. Any increase in expenses associated with this requirement would be minimal.

The Bill does not mandate the presence of a licensed health care provider at extracurricular interscholastic activities, but expressly limits liability related to the actions of such a provider if a district chooses to have one present. The limitations on liability for the provider may assist districts in finding health care providers willing to fill this role.

Fiscal Impact

[House File 2442](#) is estimated to have minimal fiscal impact to the State. The Bill’s impact to local school districts cannot be estimated, but is likely to be minimal.

Sources

Department of Education
Department of Public Health
Urban Education Network and Rural School Advocates of Iowa
School Administrators of Iowa

/s/ Holly M. Lyons

February 23, 2018

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
